



**FINAL ADMINISTRATIVE DECISION
ILLINOIS PROPERTY TAX APPEAL BOARD**

APPELLANT: Jay Saltzman
DOCKET NO.: 07-04063.001-R-2
PARCEL NO.: 09-01-120-027

The parties of record before the Property Tax Appeal Board are Jay Saltzman, the appellant; the DuPage County Board of Review; and S.D. #86 intervenor, by attorney Alan M. Mullins of Scariano, Himes and Petrarca in Chicago.

Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds a reduction in the assessment of the property as established by the DuPage County Board of Review is warranted. The correct assessed valuation of the property is:

LAND: \$152,120
IMPR: \$164,850
TOTAL: \$316,970

Subject only to the State multiplier as applicable.

ANALYSIS

The subject property consists of a 14,691 square foot parcel improved with a two-story style brick dwelling that was built in 1990 and contains approximately 3,054 square feet of living area. Features of the home include central air-conditioning, one fireplace, a two-car garage and a full, partially finished basement.

The appellant submitted evidence to the Property Tax Appeal Board claiming overvaluation as the basis of the appeal.¹ In support of this argument, the appellant submitted two appraisals of the subject property. The first appraisal (hereinafter "Appraisal 2008") had an effective date of April 21, 2008. In this appraisal the appraiser used the sales comparison approach in estimating a value for the subject of \$920,000.²

¹ The appellant withdrew the contention of law and recent sale arguments at hearing.

² A cost approach to value was prepared for the land portion of the subject only.

In the cost approach, the appraiser determined a land value of \$410,000 by the allocation method, whereby a land value is extracted from total value by a percentage. The appraiser states "[t]he subject is over 5 years old. The cost approach is not an effective tool in estimating value. The estimated land value was established from similar land sales, attained from the COMPASS MLS."

In the sales comparison approach, the appraiser examined four comparable properties. The comparables are situated on lots ranging in size from 6,732 to 8,400 square feet and are improved with two-story style frame, brick or stucco dwellings that ranged in age from 3 to 67 years old and range in size from 2,672 to 3,248 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, two-car garages and partial or full finished basements. The comparables sold from December 2007 to March 2008 for prices ranging from \$915,000 to \$1,020,000 or from \$281.71 to \$381.74 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as location, site size, room count, size, number of fireplaces and upgrades. After making these adjustments, the comparables had adjusted sales prices ranging from \$880,800 to \$955,300. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$920,000 as of April 21, 2008.

In the second appraisal (hereinafter "Appraisal 2006") the appraiser estimated the subject's market value of \$953,000 as of October 20, 2006. In this appraisal the appraiser used the sales comparison approach in estimating a value for the subject of \$920,000.

Utilizing the sales comparison approach, the appraiser examined three comparable properties. The comparables are situated on lots ranging in size from 7,254 to 8,844 square feet and are improved with two-story style brick or brick and frame dwellings that were either 7 or 13 years old and range in size from 2,454 to 3,460 square feet of living area. Features of the comparables include central air-conditioning, at least one fireplace, two-car garages and full finished basements. The comparables sold from January to September 2006 for prices ranging from \$965,000 to \$979,875 or from \$282.66 to \$393.24 per square foot of living area, including land. The appraiser adjusted the comparables for differences when compared to the subject for such items as location, site size, room count, size, number of fireplaces and upgrades. After making these adjustments, the comparables had adjusted sales prices ranging from \$942,775 to \$955,800. Based on this analysis, the appraiser concluded a value for the subject by the sales comparison approach of \$953,000 as of October 20, 2006.

Joseph K. Kolozy, was called as a witness. Joseph Kolozy prepared appraisal 2006 and his father prepared appraisal 2008. Kolozy testified that the single most important factor in

estimating a value of the subject was location, because the subject backs or abuts a four-lane highway, Ogden Avenue. Kolozy testified that when he was searching for comparable properties, one of the main factors was similar external obsolescence. Kolozy also looked at other similar factors and tried to concentrate his search within the subject's neighborhood boundaries. Kolozy began appraising property in 1995 and has prepared over 5,000 appraisals.

During cross-examination, Kolozy testified that he made a significant adjustment of \$90,000 to comparable sale #2 in Appraisal 2006 because that particular comparable is not located on a busy street like the subject and suffers no external obsolescence. In order to make this adjustment, he used the extraction method, talked with realtors as well as his personal knowledge because he is based in Hinsdale and has a good handle on what is going on there. Kolozy also testified that he used an adjustment of \$5 per square foot for excess land which he determined the market was willing to pay. Based on this evidence, the appellant requested a reduction in the subject's assessment.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$427,730 was disclosed. The subject has an estimated market value of \$1,286,019 or \$421.09 per square foot of living area, including land, as reflected by its assessment and DuPage County's 2007 three-year average median level of assessments of 33.26%.

In support of the subject's estimated market value, the board of review submitted property record cards and a grid analysis of five comparable sales. The comparables consist of brick dwellings that were built between 1992 and 2003 and range in size from 2,453 to 3,796 square feet of living area. Features of the comparables include full basements, with two being partially finished and two car garages. Two of the comparables were located in the same neighborhood code as the subject. The comparables sold between June 2005 and July 2006 for prices ranging from \$1,050,000 to \$1,560,000 or from \$336 to \$489 per square foot of living area, including land.

Joni Gaddis, Chief Deputy Assessor of Downers Grove Township, was called as a witness. Gaddis testified as to the various dissimilarities of the appellant's comparables. Gaddis also testified regarding depreciation of the properties located in Hinsdale involving properties constructed prior to 1990. Based on this evidence the board of review requested the subject's total assessment be confirmed.

During cross-examination, Gaddis acknowledged that none of the board of review comparables abuts a road with as much traffic as the subject.

After reviewing the record and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the

parties and the subject matter of this appeal. The Board further finds a reduction in the subject property's assessment is warranted. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). The Board finds the appellant has met this burden.

The Board finds the appellant submitted two appraisals of the subject property in which the subject's market value was estimated to be \$953,000 as of October 20, 2006 and one with an estimate of value of \$920,000 as of April 21, 2008. The Board gave no weight to appraisal 2008 because the appraiser was not present to testify regarding his final value conclusion or subject to cross-examination regarding his methodology and adjustments. The Board finds the appraiser, Joseph Kolozy, who prepared appraisal 2006 used a logical and proper adjustment process to account for differences of the three comparables in the appraisal when compared to the subject. The board of review employed no such adjustment process in regards to its comparables other than for location and age. The Board also gave less weight to the board of review's comparables based on date of sale being too remote in time for a January 1, 2007 tax lien date and or being dissimilar in location to the subject as Ms. Gaddis stated significantly affected the market value. The Board finds the only two board of review sales located in the subject's immediate area involved sales that occurred in 2005. The Board finds the best evidence of the subject's market value is found in the version of the subject's 2006 appraisal with an effective date of October 20, 2006 as submitted by the appellant. The Board finds the appraiser presented credible testimony in support of his estimated market value and his knowledge of the subject's immediate market area. Therefore, the Board finds the subject's market value as of the subject's assessment date of January 1, 2007 is \$953,000.

In conclusion, the Board finds the appellant has demonstrated the subject property was overvalued by a preponderance of the evidence. Therefore, the Board finds the subject property's assessment as established by the board of review is incorrect and a reduction is warranted.

This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.

Donald R. Cuit

Chairman

K. L. Fern

Member

Frank A. Huff

Member

Mark Morris

Member

Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: June 21, 2013

Allen Castrovillari

Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing

complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.